GENERAL AND REVENUE SECRETARIAT.

1904.

(~~III~~ - Courts.)

File No. 73.

Serial Nos. 4 to 9 and 11.

Papers Filed.

Month July 1904.

SUBJECT.

Extradition warrant for the arrest and surrender of one Pacha, reputed to be now in Salem District.

PREVIOUS REFERENCES.	LATER REFERENCES.
~~Serial Nos of this file~~ Serial Nos 1 to 3 of this file (73 of 1903-04.)	J.F. 73 of 1903-04, Sl: 9 no: 14.

G. R. S. 59.

To
The Dist. Asst to the
Resdt in Mysore

Sir,

In reply to the enquiry made in your letter No. 974 of the 26th Feby 1904, I am directed to state that the accused Pacha was not personally served with the notice to show cause why the original sentence ~~the case~~ should not be enhanced.

[2. ~~In case, however~~ I am to add that, in case there should be any difficulty about the accused's surrender, the Darbar will not lose, their application, as he is a native of Mankhalli (Bangalore Dt), and could be seized by the Mysore Police when he returns to his native place.]

I have the

Sec.

27/2/04

U
1/3/04

Mean Enquiries how the notice was served whether under S. 439 the accused was given an opportunity of being heard either personally or by pleader in his own defence

Vide note

This paper may be filed. U

I can be recd.
I.O. corresp. is
in connection
such matters

recd
3.3.04

DPM

Copy of D.O.

Dear Mr Rajaratna
Mudr.,

The Dt. Magte of Bangalore has applied for an extradition warrant for the surrender of one Pocha accused in Criminal case No. 143 of 1903-04 on the file of the Commr of 1st class Magte, Bangalore, & in Criminal revision case No. 310 of 1903 on the file of the Chief Court. It appears that the sentence passed by the lower Court was considered, in a separate and, after issue of a notice to the accused to show cause, was enhanced to 6 months, rigorous imprisonment. Pocha accused has escaped to the Salem Dt. ~~Dtn~~

I am desired to enquire whether the notice issued by the Chief Court, requiring

the

the accused to show cause why the original sentence should not be enhanced, was, as a matter of fact served personally on him.

An early reply is requested.

Yours Sincerely

(Sd) K. S. Chandrasekharaiyer.

General and Revenue Secretariat.

File No. of 190

Serial No.

Put up
Refer. 27.2.04

Submitted
27/2/04

Bangalore
27th February 1904

Dear Mr. Chandrasekharam Esqr.,

Terms of yesterday's.

I am desired to state that the 3rd accused Pacha, in Cr. Revn. Case No. 310 of 1902-3 on the file of this Court, was not personally served with the notice in the case. He is a native of Kankanhally. If he has

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

out of the Province it is not worth while to apply for extradition. He may be seized by the Police when he returns to his native place.

Yours Sincerely
D. Ryan Detective

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

Il No 4

Office Draft. (Letter.)

Mysore Government,
General & Revenue Secretariat,
Judl. Branch.

To

The Registrar, Chief Court in Mysore.

Date of passing the draft 7th March 1904
Date of despatch

Regd. No. 1825
File No. & date (if any) J.

No. of Encls.

Adverting to his Demi-official letter dated the 27th February 1904, ~~that~~ intimating that the accused Pacha in Crl. Revision Case No. 310 of 1902-03 on the file of the Chief Court was not personally served with the notice in the case, has the honour to enquire how the notice was served and whether under Section 439 of the Crl. Procedure Code the accused was

Sir,

10/3/04

given an ~~opportunity~~ opportunity
of being heard either personally
or by pleader in his own defence.

2. The entire records in the case may also
be forwarded for reference. By order

Demurrer order

for Offg Secy

SM
5/3/14

Signed.
5-3-14

N 6117 / 257 No: 2 ✓ J1499 Sl No 5.

Bangalore

23rd march 1904.

From

V. A. Rajaratna moodliar Esqr

Registrar of the Chief

Court of mysore

To

L. Ananthasawmi Rao Esqr

officiating secretary to ~

Government of mysore.

Revenue and General department.

Sir,

With reference to your no: 1825/J dated 7th march 1904, I am directed to forward the record in Criminal Revision case no: 310 of 1902-03 on the file of this Court, together with the record

Record in Criminal Case No: 143 of 1902-03 on the file of the 1st Class Magistrate of Chosepet Range.

I have the honor to be,

Sir,

Your most obedient Servant,

[illegible]

Registrar.

Ill No 6.

To,
The Registrar,
Chief Court,

Dated 7/4/04
No 2121 Eclo. Records,

Sir,

With reference to correspondence ending with your letter No 617/257 dated the 23rd March 1904 submitting the record in Criminal Revision case No 310 of 1902 on the file of the Chief Court in connection with the proposed arrest and surrender of the accused Pacha, ~~accused in Cri. case No 143 of 1902 on the file of the Chief Court and a class magte, Cloupet~~ who has escaped into British India, I am directed to observe that ~~there is no~~ you have not furnished a specific reply to the enquiry ~~expressly~~ made in this office No 1825 dated 7th March 1904

and that the note
signed by the Chief
(in the Order of the 17th Feb'y (203)
Sessions Judge regarding
the service of the notice
issued by the Chief Court
to the house of the
accused such a Camera
from the papers forming part of the record -
verified under
the circumstances,
we do request the
favour of a clear
statement as to
whether the prisoner
had under section
of the Crl Pro Code,
the opportunity of being
either personally or
pleader in his own
defence.

The records received
with your letter above
referred to are herewith
returned for reference & when with your report
the reference
is returned

A Ramachandra

[illegible]

6334/289 J1584 · No. 7.

GOVERNMENT OF MYSORE

Bangalore, 11th April 1904.

From

V.A. Rajaratna Mudaliar Esquire,

Registrar of the Chief Court of Mysore.

To

L. Anantasawmi Rao Esquire,

Offg. Secretary to the Govt. of Mysore,

General and Revenue Departments.

Sir,

I am directed to acknowledge receipt of your letter No. J.2121 dated the 7th Instant requesting the favor of a clear statement as to whether the accused in Criminal Revision Case No. 310 of 1902-03 on the file of this Court had an opportunity of being heard either personally or by pleader in his own defence, and to refer you to the order of the Court dated 17th September 1903 for the information asked for.

2. The record of the case is henewith retransmitted.

I have the honor to be,

Sir,

Your Most Obedient Servant;

REGISTRAR.

Ile No 8.

To,

The Registrar
of the Chief Court.

Dated 24/6/04
No. 2774 Pols. Records.

Correspondence ending with the Registrar's letter No 6334/269 dated the 11th April 1904 referring the undersigned to the order of the Chief Court dated the 17th September 1903 for the information called for in this office letter No 2121/J dated the 7th April 1904 in connection with the proposed arrest and surrender of the accused Pacha.

In again returning the records received with the Registrar's letter referred to above for reference and

and retransmission, has the honour to ~~observe~~ state that no reply has been given ~~as regards~~ the question whether, as recorded in the note entered by the chief judge in his order of the 17th September 1903, the notice issued by the chief court, was, as a matter of fact, served on the house of the accused Pachs. It is therefore requested that the above information may be obligingly furnished at a very early date together with the record if any, evidencing such service.

By order

22/6/1904

Asst. Secretary

J 13. Sl No 9.

N 7458 Libers
330
Rec. 2-7-04

Bangalore
30th June 1904.

From V. A. Rajaratna Mudaliar Esquire,
Registrar, Chief Court of Mysore.

To B.K. Venkata Varada Iyengar Esquire,
Offg: Secretary to the Govt of Mysore,
Gen: and Rev: Departments.

Sir,

I am directed to acknowledge the receipt of your No 2774 dated the 24th instant, and to state that the Chief Judge and Mr Justice Meiklejohn having decided that sufficient opportunity had been given to the accused to show cause against enhancement of sentence, it is not now open to the Court to add to or to explain the grounds of the order.

The records received with your letter are re-transmitted.

I have the honor to be,
Sir,
Your most obedient servant,
A Raghatnathamu
Registrar.

Mhw

Draft of a
to Mr Justice Kisch, Chief Justice

Memo 11

Bangalore
— Aug. 1904.

~~My dear~~
Dear Mr Kisch.

Please see your Registrar's letter no. 7458/336 of the 30th June 1904.

The object of the reference from this Office was not to move the Chief Court to add to or to explain the grounds of an order passed by it in its judicial capacity, but merely to obtain information on a pure matter of fact touching the service on the accused-Sachha of a notice to show cause why the original sentence should not be enhanced. The decision of the Chief Court that he had sufficient notice is no doubt sufficient & unimpeachable so far as that particular proceeding is concerned.

Fair copy
signed by the Secretary
& thus only presented
on record received
to Secretariat
[illegible]
20.VII.04
23

Records in Revision case no. 310 of 1902-03 have been sent to the Chief Justice as an enclosure to this.

[illegible]

To Memo III
[illegible]
23.7.1904

File [illegible]/23.7.04

here we are dealing with a different matter connected with his extradition to the Mysore State in view to his undergoing the enhanced sentence inflicted by the Chief Court; and the British Resident, before deciding whether the application should be granted or refused, wishes to know how the notice was served. The record of the Revision Case bears no information ~~on the point~~ as to the notice having been served; on the contrary, the note recorded on the notice states that it was returned without service. (Vide also the 2nd Magistrate's order No 176 of the 30th August 1903). On the other hand, there is the note recorded by the late Chief Justice under date the 26th Feb. 1903 that "the accused is a native of Kankanhalli & the notice was served upon his house." It was on account of this discrepancy, & with a view to ascertaining precisely what ~~[illegible]~~ the fact ~~was~~ was, that the Chief Court was called

to refer Govt to any
or other information by which
the accuracy of Mr Rama-
chandra Iyer's note could
be verified.

I am sorry to say that
more than one reference to the
Chief Court has failed to
attain this object, the information
required, on a pure matter
of fact, being apparently
refused on grounds which
are not understood.

Yours sincerely

19.7.21

[Devan]